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### REMARKS

Claims 1-35 are now pending in this application. Claims 1, 7, 8, 11, 12, 18, 19, 23, 25, 27, 31 and 32 have been amended in order to more clearly recite the present invention. Applicant respectfully submits no new matter has been added. Reconsideration is respectfully requested in view of the following remarks.

Claims 1-22 and 25-35 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-6, 8-17, 19-30 and 32-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,872,558 to Aras et al. ("Aras" hereinafter).

Claims 7, 11, 18 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aras in view of U.S. Patent No. 5,870,134 to Laubach et al. ("Laubach" hereinafter).

### Priority

The Office Action states that the present application fails to comply with one or more conditions for receiving the benefit of an earlier filing date. The Examiner asserts that Provisional Application No. 60/268,481, which this present application claims priority, fails to provide adequate support or enablement in accordance with 35 U.S.C. § 112, first paragraph. The Office Action states that the provisional application is silent with respect to the particular usage of a satellite broadcast system as claimed as well as tracking the particular duration a user watches a scene.

Provisional Application No. 60/268,481 ("priority application") includes a reference to Direct TV and a DIRECTTV NavLog library. As is well known in the art, Direct TV is a major provider of satellite TV broadcasts and reference thereto the claimed priority application

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sufficiently infers usage within a satellite broadcast system. In regard to duration tracking, the priority application sets forth a prototype command GLA\_NavLog\_LogPageHit with a description that the function records a new hit for the page specified by byPageID. This command describes the recording of a page hit and infers that duration of the page hit may be recorded.

#### Claim Objection

The Examiner objects to claim 11 stating that the term "said database file" lacks proper antecedent basis. As set forth above, claim 11 has been amended in accordance with the Examiner's comments and accordingly amended claim 11 now obviates this objection. Withdrawal of this objection is therefore respectfully requested.

#### 112 Rejection

The Office Action states that claims 1-22 and 25-35 have been rendered indefinite due to the usage of the term "traditional". As set forth above, the amended claims 1, 7, 12, 18 and 31 have deleted the term "traditional" and now obviate this rejection. Withdrawal of this rejection is therefore respectfully requested.

#### 102 Rejection

Claims 1-6, 8-17, 19-30 and 32-35 stand rejected under 35 U.S.C. § 102 as being anticipated by Aras. Aras relates to a method and apparatus for an automatic access control and teaches screening classification codes embedded in Audio Visual Material delivered to the subscribers' home stations. The screening classification codes identify the type of content that follows in the AVM stream.

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The Office Action states that Aras discloses the elements of independent claims 1 and 12 and links discrete portions of Aras to each element of the respective claims. In order to sustain this anticipation rejection, each and every limitation is found either expressly or inherently in a single prior art reference. Celeritas Techs., Ltd. v. Rockwell Int'l Corp., 150 F.3d 1354, 47 U.S.P.Q.2d 1516, 1522 (Fed. Cir. 1998), *cert. denied*, 525 U.S. 1106 (1999). Drawing attention to claim 1 of the present invention which includes "means for determining when a user transitions from a first informative scene to a subsequent informative scene" the Office Action cites to Figures 6C and 6D as disclosing said "means for determining". Figures 6C and 6D of Aras show flow charts that are described at Col. 15, lines 34-52. As stated in Aras the flow chart of Figure 6C handles a channel change event due to a subscriber changing channels. In contrast, the "means for determining" as recited in claim 1 relates to advertising information displayed that the user may selectively review while viewing a televised broadcast. The scenes as recited in claim 1 relate to advertising that the user may or may not review. The scenes may include news reports and/or general advertisements. Accordingly, the event handling as described in Aras simply does not equate to the "means for determining" as recited in claim 1. Furthermore the above remarks apply equally to independent claims 23 and 25 wherein these claims also recite the transmission of scenes as recited in claims 1 and 12. Also, since the dependent claims 2-6, 8-11, 13-17, 19-22, 24, 26-30 and 32-35 depend respectively from claims 1, 12, 23 and 25 the above remarks apply equally to these dependant claims. Withdrawal of this rejection is therefore respectfully requested.

### 103 Rejection

Claims 7, 11, 18 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aras in view Laubach. The Office Action states that claims 7, 18 and 31 include the

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additional feature of a "traditional wireless data transfer means", and cites to Laubach for the disclosure thereof. Furthermore, the Office Action states that it would have been obvious to combine Aras and Laubach in order to achieve the subject matter of claims 7, 18 and 31.

Laubach relates to an over the air upstream path for data transmission on a cable TV system. The Laubach reference discusses converting standard one-way cable systems into two-way cable systems by converting the upstream subscriber's cable signal and transmitting the same signal at different frequencies in one or more upstream mediums. Even though the Examiner cites to Laubach for teaching a "traditional wireless data transfer means", the combination of Aras and Laubach must contain each and every element of claims 7, 18 and 31. As stated above with regard to independent claims 1, 12 and 25, Aras fails to disclose each recited feature of claims 1, 12 and 25 and Laubach, individually or in combination thereof, fails to cure the deficiencies noted with Aras. Accordingly, the combination of Aras and Laubach cannot be used to support this obviousness rejection, because claims 7, 18 and 31 respectively depend from independent claims 1, 12 and 25. Claims 7, 18 and 31 stand allowable for at least the same reasons as articulated with respect to claims 1, 12 and 25. Withdrawal of this rejection is therefore respectfully requested.

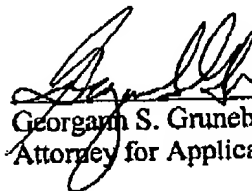
The Office Action fails to specifically state why claim 11 has been rejected in view of Aras and Laubach. Applicant therefore maintains that claim 11 stands allowable. Allowance of claim 11 is therefore respectfully requested.

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**CONCLUSION**

Based upon the foregoing amendment and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Prompt allowance of all pending claims is therefore requested.

Respectfully submitted,



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Date: January 23, 2006

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